

REMARKS

I. Formalities

Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statement filed on August 7, 2003.

Additionally, in the Office Action dated November 26, 2003, the Examiner indicated that the Information Disclosure Statement ("IDS") filed on July 29, 2003 has been considered.

However, although the Examiner forwarded a copy of the PTO 1449 Form submitted by Applicant with the aforementioned IDS, the Examiner did not sign this PTO 1449 Form, nor did the Examiner initial the references cited therein. Accordingly, in the Amendment filed on March 26, 2004, Applicant requested that the Examiner sign the PTO 1449 Form submitted on July 29, 2003, initial the references cited therein, and return them along with the next Office paper.

However, the Examiner still has not responded to Applicant's request. Thus, Applicant kindly requests that the Examiner sign the PTO 1449 Form originally submitted on July 29, 2003, initial the references cited therein, and return it along with the next office paper. A clean copy of the PTO 1449 Form originally submitted with the IDS filed on July 29, 2003 is enclosed herein for the Examiner's convenience.

Furthermore, in the Amendment filed on February 14, 2003, Applicant re-submitted to the Examiner a clean copy of the PTO 1449 Form originally submitted by Applicant with the IDS filed on December 20, 2001, listing only the reference which the Examiner failed to initial. Subsequently, in the Amendment filed on July 2, 2003, and again in the Amendment filed on March 26, 2004, Applicant noted that the re-submitted PTO 1449 Form had not yet been returned by the Examiner, and Applicant kindly requested that the Examiner return the initialed

PTO 1449 Form with the next Office paper. However, although the Examiner forwarded a copy of the aforementioned PTO 1449 Form with the Office Actions dated November 26, 2003, and July 14, 2003, the Examiner did not, in returning either of these forms, initial the reference cited therein. Accordingly, Applicant requests that the Examiner sign the PTO 1449 Form re-submitted by Applicant with the Amendment filed on February 14, 2003, initial the reference cited therein, and return it along with the next Office paper. A clean copy of the PTO 1449 Form originally submitted by Applicant with the IDS filed on December 20, 2001, listing only the reference which the Examiner failed to initial, is enclosed for the Examiner's convenience.

Finally, the Examiner still has not indicated whether the Formal Drawings filed on June 9, 2000 are accepted. Applicant respectfully requests that the Examiner acknowledge and approve the aforementioned Formal Drawings.

II. Status of the Application

Claims 1-8 and 10-30 are all the claims pending in the Application, with claims 1, 16, 19, 27, and 29 being in independent form. Claims 1-8 and 10-30 have been rejected.

The present amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

III. Claim Rejections under 35 U.S.C. §103

The Examiner has maintained his rejection of claims 1-8 and 10-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,191,611 to Lang (hereinafter "Lang"), in view of U.S. Patent No. 4,907,268 to Bosen *et al.* (hereinafter "Bosen"), and further in view of European Patent 0 878 780 A2 to Whytock (hereinafter "Whytock").

Specifically, the Examiner acknowledges that neither Lang, Bosen, Whytock, nor any combination thereof, teaches the feature of storing the electronic data input from an input device by affixing thereto an electronic signature, as required by claims 1, 16, 19, 27, and 29. The Examiner also acknowledges that neither Lang, Bosen, Whytock, nor any combination thereof, teaches the feature of updating electronic data in the electronic data file by affixing thereto an electronic signature, as further required by claims 1, 16, 19, 27, and 29.

Nevertheless, the grounds of rejection allege that Lang teaches storage of data files and that Bosen discloses encrypted logs. The grounds of rejection also alleges that, in light of these teachings, it would have been obvious to one of ordinary skill to combine the data storage system of Lang with Bosen's use of encryption and keys to securely store and update the storage of protected files because this ensures the integrity of the files, as well as prevents unauthorized access and use of sensitive, or valuable, digital data.

Moreover, the Examiner alleges that it would have been obvious to one of ordinary skill, after combining the teachings of Lang, Bosen, and Whytock, to further modify the teachings of these references to include the additional feature of a digital signature with the encryption and the secret keys. Significantly, the grounds of rejection do not point to any portion of Lang, Bosen, or Whytock, which provides any teaching or suggestion whatsoever regarding an electronic signature, or that data is stored and updated by affixing an electronic signature thereto. Accordingly, Applicant vigorously traverses the grounds of rejection for *at least* the following reasons:

A. Independent Claim 1

Independent claim 1 requires (among other things):

...store the electronic data input from said input device by affixing thereto an electronic signature in the electronic data record file...

In addition, independent claim 1 further requires:

...update the electronic data in the electronic data record file by affixing thereto an electronic signature in accordance with the update data input by said input device...

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a) the Examiner must show that the prior art references, when combined, teach or suggest all of the limitations of the rejected claim. *See* MPEP § 2143. However, neither Lang, Bosen, Whytock, nor any combination thereof, teaches or suggests either an electronic signature, or the features of storing and updating the electronic data input from an input device by affixing thereto an electronic signature in the electronic data record file, as required by claim 1. Indeed, not only does claim 1 require the feature of an electronic signature, claim 1 further requires both storing and updating electronic data by affixing an electronic signature to the electronic data input from an input device. Neither Lang, Bosen, Whytock, nor any combination thereof, teaches or suggests any of these requirements, as recited claim 1.

Indeed, as discussed in the present specification, for instance, a user operates an input device to input data, as well as, his/her electronic signature. *See* page 13, lines 8-9; Figure 2. Thereafter, the controller 10 associates the data inputted by the user with the user's electronic

signature and stores them on an electronic account file 16. *See* page 13, lines 13-14; Figure 2. In addition to affixing an electronic signature to the electronic data in the electronic data record file, claim 1 also recites the feature of a log file, which includes log data representing an input or update log of the electronic data recorded.

Therefore, in addition to simply storing data regarding the last user to access a particular file in a log file, which is separate and distinct from the data itself, claim 1 recites the features of storing and updating electronic data by affixing to the electronic data an electronic signature. This feature of affixing electronic signatures to the electronic data being stored or updated, among other things, clarifies who inputs and updates each record and, thereby, reveals illegal data alteration by uncertified persons. *See* page 15, lines 8-10.

In contradistinction, Lang teaches quite the opposite—that information such as an index table, a user's assigned logical zones, and a personal security key may be stored in the storage media without any indication whatsoever as to who inputted or altered such information, or as to whether such a person was certified. *See e.g.*, Abstract. Furthermore, Bosen also fails to teach or suggest this feature. Specifically, Bosen merely teaches keeping an encrypted log of the accesses to information so that supervisors may access the encrypted log at any time. *See* column 3, lines 32-33. However, Bosen provides no suggestion whatsoever that such information is stored and updated by affixing an electronic signature thereto, as required by claim 1.

In fact, the grounds of rejection do not point to any specific aspect of Lang, Bosen, or Whytock that teaches or suggests an electronic signature. Moreover, the grounds of rejection do

not point to any portion of Lang, Bosen, or Whytock that teaches the features of storing data and updating data by affixing thereto an electronic signature. To the contrary, the grounds of rejection merely set forth the sweeping assertion that, after combining the teachings of Lang, Bosen, and Whytock, it would have been obvious to one of ordinary skill to modify the teachings of these references to include a digital signature with the encryption and the secret keys. However, the grounds of rejection do not provide any evidentiary support whatsoever as to where the feature of an electronic signature, or the feature of storing and updating data by affixing thereto an electronic signature, is suggested by the cited references, nor do the grounds of rejection properly identify any motivation for making such a modification. Absent a showing that the prior art references, when combined, teach or suggest all of the limitations of claim 1, the Examiner has failed to establish a *prima facie* case of obviousness.

Accordingly, Applicant respectfully submits that independent claim 1 is patentable over Lang, Bosen, Whytock, and any combination thereof, for *at least* these reasons. Further, Applicant respectfully submits that the dependent claims 2-15 are allowable, *at least* by virtue of their dependency on independent claim 1. Thus, Applicants respectfully request that the Examiner withdraw this rejection.

B. Independent Claim 16

Independent claim 16 requires (among other things):

...electronic data recording means for
recording information input by said data
input means by affixing thereto an electronic
signature...

Independent claim 16 also requires:

...data update means for updating the
electronic data stored in said electronic
data recording means by affixing thereto an
electronic signature in accordance with the
update data input by said update data input
means...

In view of the similarity between the requirements of claim 16 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that the foregoing arguments as to the patentability of independent claim 1 apply by at least analogy to claim 16. As such, it is respectfully submitted that claim 16 is patentably distinguishable over Lang, Bosen, Whytock, and any combination thereof, for *at least* these reasons. Further, Applicant respectfully submits that the dependent claims 17-18 are allowable over the applied references *at least* by virtue of their dependency on claim 16. Accordingly, the allowance of these claims is respectfully solicited of the Examiner.

C. Independent Claim 19

Independent claim 19 requires (among other things):

...recording the input electronic data by
affixing thereto an electronic signature on
the electronic data record file...

Independent claim 19 further requires:

...updating the electronic data in the
electronic data record file by affixing
thereto an electronic signature in accordance
with the input update data...

In view of the similarity between the requirements of claim 19 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that the foregoing arguments as to the patentability of independent claim 1 apply by at least analogy to claim 19. As such, it is respectfully submitted that claim 19 is patentably distinguishable over Lang, Bosen, Whytock, and any combination thereof, for *at least* these reasons. Further, Applicant respectfully submits that the dependent claims 20-26 are allowable over the applied references *at least* by virtue of their dependency on claim 19. Accordingly, the allowance of these claims is respectfully solicited of the Examiner.

D. Independent Claim 27

Independent claim 27 requires (among other things):

...recording the input electronic data by
affixing thereto an electronic signature on
the electronic data record file...

Independent claim 27 further requires:

... updating the electronic data in the
electronic data record file by affixing
thereto an electronic signature in accordance
with the input update data...

In view of the similarity between the requirements of claim 27 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that the foregoing arguments as to the patentability of independent claim 1 apply by at least analogy to claim 27. As such, it is respectfully submitted that claim 27 is patentably distinguishable over Lang, Bosen, Whytock, and any combination thereof, for *at least* these reasons. Further, Applicant respectfully submits that the dependent claim 28 is allowable over the applied references *at least* by virtue of its dependency on claim 27. Accordingly, the allowance of these claims is respectfully solicited of the Examiner.

E. Independent Claim 29

Independent claim 29 requires (among other things):

... a segment for recording the input
electronic data by affixing thereto an
electronic signature on the electronic data
record file...

Independent claim 29 also requires:

...a segment for updating the electronic data
recorded on the electronic data record file
by affixing thereto an electronic signature
in accordance with the input update data...

In view of the similarity between the requirements of claim 29 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that the foregoing arguments as to the patentability of independent claim 1 apply by at least analogy to claim 29. As such, it is respectfully submitted that claim 29 is patentably distinguishable over Lang, Bosen, Whytock, and any combination thereof, for *at least* these reasons. Further, Applicant respectfully submits that the dependent claim 30 is allowable over the applied references *at least* by virtue of its dependency on claim 29. Accordingly, the allowance of these claims is respectfully solicited of the Examiner.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Response Under 37 C.F.R. § 1.116
U.S. Serial No. 09/590,686

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

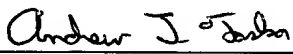
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